

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 22-CR-20504
Hon. Jonathan J.C. Grey

AWS MOHAMMED NASER,

Defendant.

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**PROTECTIVE ORDER PURSUANT TO SECTION 4 OF THE
CLASSIFIED INFORMATION PROCEDURES ACT AND RULE
16(D)(1) OF THE FEDERAL RULES OF CRIMINAL
PROCEDURE**

This matter has come before the Court on the motion of the United States for an Order Pursuant to Section 4 of CIPA, 18 U.S.C. App. 3 and Federal Rules of Criminal Procedure 16(d)(1) and 26.2, as well as several supplements, all filed *ex parte*, *in camera*, and under seal pursuant to that statute and rule. Having reviewed the Government's motion and attachments, the Court concludes that good cause exists for granting the motion of the United States. After *ex parte*, *in camera* inspection and consideration of the government's motion, supplements, and attachments, the Court concludes as follows:

Defendant Aws Naser is charged in the third superseding indictment with two counts of attempted material support to a foreign terrorist organization, in violation of 18 U.S.C. § 2339B(a)(1) and one

count of being a felon in possession of a destructive device, in violation of 18 U.S.C. § 922(g)(1).

The government has in its possession certain classified information that it requests be deleted from discovery.

The government has conducted a thorough review of the classified information for which it is asserting a national security privilege to ensure compliance with its discovery obligations under Rule 16, *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny.

By conducting this review and presenting this motion to the Court, the government has complied with Section 4, and has acted in furtherance of its discovery obligations with respect to the classified information pursuant to these legal authorities.

Based on the foregoing findings, the Court hereby **CONCLUDES** as follows:

The government has made a sufficient formal claim of its classified information and national security privilege over the products referenced in the government's motion. *United States v. Hanna*, 661 F.3d 271, 295 (6th Cir. 2011). The Court has reviewed these products and agrees with the government's conclusion that they do not contain any information that is either exculpatory, impeaching, or otherwise helpful to the defense against the crimes charged in the indictment. *Id.* In light of the foregoing conclusions, the Court need not balance the government's national security interest against a non-existent defense interest in access to the classified source material. Even if there were any information that could be arguably helpful to the defense, the required balancing of the government's need to protect national security against

the defense's need for this information would weigh heavily in the government's favor and thus precludes disclosure. *United States v. Asgari*, 940 F.3d 188, 191 (6th Cir. 2019).

Accordingly, pursuant to Section 4 of the Classified Information Procedures Act, 18 U.S.C. App. 3 and Fed. R. Crim. P. 16(d)(1),

IT IS HEREBY ORDERED that:

The classified information described in the government's classified motion and its supplements may be deleted from discovery disclosure otherwise made available to defendant, and shall not be disclosed to the defendant, his counsel, or the public.

The classified motion and attachments of the United States are hereby **SEALED** and shall be retained in accordance with established security procedures until further order of this Court; and

The classified version of this Order is hereby **SEALED** and shall remain in the custody of the Clerk of the Court, in accordance with established procedures until further order of this Court.

IT IS SO ORDERED.

Date: May 21, 2025

s/Jonathan J.C. Grey
JONATHAN J.C. GREY
United States District Court

Certificate of Service

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First-Class U.S. mail addresses disclosed on the Notice of Electronic Filing on May 21, 2025.

s/ S. Osorio
Sandra Osorio
Case Manager